

18.01.2022.
Court No.13
Item No. 12
ap

**W.P.A. No. 14540 of 2021
(Through Video Conference)**

**Arati Paharia
Versus
Indian Oil Corporation Limited & Ors.**

Mr. Partha Pratim Roy,
Mr. Dyutiman Banerjee.

...For the petitioner.

Mr. Amit Kumar Nag,
Mr. Abhishek Nag.

..For the respondent nos.1 to 5.

The petitioner is the mother of one Sanjay Kumar Paharia, who was an LPG Distributor under the Indian Oil Corporation Limited at Dalatabad Mahashyapara, District - Murshidabad. He died on 5th June, 2021 leaving behind his wife, namely, Kalpana Paharia and minor daughter Kamalika Paharia.

It is submitted by the Counsel for the petitioner that the wife Kalpana Paharia has applied for transfer of the distributorship in her name. There is however no evidence before this Court to that effect.

Counsel for the petitioner submits that the deceased obtained loan from the Allahabad Bank, for the purpose of the aforesaid distributorship which was guaranteed by the petitioner's late husband. The petitioner is also stated to have contributed to the setting up of the distributorship.

This Court is of the view that as to whether the distributorship will be transferred from the name of late Sanjay Kumar Paharia to his wife and mother is to

be determined based on the policy of the Indian Oil Corporation and the applicable laws in that regard.

In that view of the matter, the respondent no.3 and/or the competent authority under the Indian Oil Corporation shall look into the petitioner's request contained, inter alia, in a representation dated 6th July, 2021, and also any representation of the wife of the deceased Sanjay Kumar Paharia and dispose of the same in accordance with law within a period of two months from the date of communication of a copy of this order.

The order that may be passed by the respondent no.3 or the competent authority of the respondents may be communicated to the petitioner and the said Kalpana Paharia within a week thereof.

Since no affidavits have been called for by this Court, the allegations contained in this writ petition against the respondents shall not be deemed to have been admitted by them.

The instant writ petition shall stand disposed of.

There will be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)